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10/669,647

09/25/2003

Jean Lassaux

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EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2616

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/669,647

Applicant(s)

LASSAUX ET AL.

Examiner

Robert W. Wilson

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8, 10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Please note that some of the IDS documents were not reviewed because these documents were not present in the application file. The examiner requests that the applicant resubmit these documents if they wish them to be considered.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 8, 10, 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 8, Fig 4 and Pg 4 lines 14 to 20 are the written description for this claim. The router is described as an optional router and "in a virtual circuit that corresponding to the Internet service provider" is not described; thus, claim 8 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification.

Referring to claim 10, Fig 4 and Pg 4 lines 14 to 20 are the written description for this claim. The a virtual circuit that corresponding to the Internet service provider" is not described; thus, claim 10 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification.

Referring to claim 12, Fig 4 and Pg 4 lines 14 to Pg 5 line 2 are the written description for this claim. The multiplex link and switch matrix assigns times time slots are not described; thus, claim 12 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification.

Referring to claim 13, the Internet router is an optional router according to the specification how can one claim that the Internet router is a part of the claimed invention when the router is optional: thus, claim 13 is rejected because the claim has new matter which was not required and written in an original claim nor is present in the specification.

Referring to claim 14, Fig 4 and Pg 4 lines 14 to Pg 5 line 2 are the written description for this claim. The multiplex link and switch matrix assigns times time slots are not described; thus,

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claim 15 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification

Referring to claim 15, Figure 5 and Pg 14 line 10 through Pg 16 line 15 provide the written disclosure for this claim. This section does not describe an ATM Switch MATRIX but describes a switch matrix. The ATM/ADSL modems concentrate ATM frames which are sent to the Internet. The ATM/ADSL modems do not concentrate Internet frames. There is no mention of a virtual circuit to an Internet Service provider; thus, claim 15 is rejected because the claim is new matter and is not contained in an original claim nor is it written in the specification.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of "virtual circuit that corresponds to the Internet Service provider" in claim 10, "multiplex link and time slot assignment" of claim 12; "mandatory router" claim 13, "multiplex link" and assigning time slots" of claim 14; "ATM Switch MATRIX with ATM/ADSL modems that concentrate Internet frames and a virtual circuit to an Internet Service provider" of claim 15" Claims 8, 10, 12-15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

5. Claims 8, 10, 12-13 & 15 are objected to because of the following informalities:

Referring to claims 8, 10, & 12-13; the examiner objects to the usage of "call processor means" because "call processor means" can be confused with "means for" which has a totally different meaning. Appropriate correction is required.

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Referring to claim 15, the examiner objects to the usage of the slash in ATM/ADSL because the examiner does not know whether the slash means "and" or "or". The examiner requests that the applicant clarify the meaning of the slash. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 8,10, 12-14 are rejected under 35 U.S.C. 102(E) as being anticipated by Dunn  
(U.S. Patent No.: 6,072,793)

Referring to claim 8, Dunn teaches: a switching center connected to a data transmission network the switching center (Fig 1) comprising:

Call processor means (CONTROLLER per Fig 1)

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

An Internet router (ISP1 is connected to LAN (25 per Fig 1) via an inherent Router)

Wherein the call processor means control the switch matrix so that calls to an Internet Service Provider pass through the Internet router in a virtual circuit that correspond to the Internet service provider (CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 through the inherent Internet Router connected to the LAN (25 per Fig 1) to either ISP1 or ISP2. The connection to ISP1 shown in Figure 1 is a virtual circuit and per col. 2 lines 43 to col. 4 line 6)

Referring to claim 10, Dunn teaches: a switching center connected to a data transmission network the switching center (Fig 1) comprising:

Call processor means (CONTROLLER per Fig 1)

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A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

A plurality of modems connected to the switch matrix (The Modem Pool (23 per Fig 1) or plurality of modems are connected to the NETWORK (7 per Fig 1) which is a 1AESS which has an inherent switch matrix)

wherein the call processor means control the switch matrix so that the calls set up between analog subscriber terminal and Internet service provide pass through the plurality of modem in a virtual circuit that corresponds to the Internet Service provider (CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 for the inherent analog subscriber terminal not shown in the Figure 1 through the MODEM POOL (plurality of modems) to either ISP1 or ISP2. The connection to ISP1 shown in Figure 1 is a virtual circuit and per col. 2 lines 43 to col. 4 line 6)

Referring to claim 12, Dunn teaches: a switching center connected to a data transmission network the switching center (Fig 1) comprising:

Call processor means (CONTROLLER per Fig 1)

A switch matrix having a synchronous time-division multiplex link (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix and 1AESS has an inherent synchronous time-division multiplex link per col. 2 line 51)

A plurality of modems connected to the switch matrix via the multiplex link(The Modem Pool (23 per Fig 1) or plurality of modems are connected to the NETWORK (7 per Fig 1) which is a 1AESS which has an inherent switch matrix and inherent switch multiplex link)

wherein the call processor means control the switch matrix by assigning analog subscriber terminals to time slots so that calls et up between the analog subscriber terminal and the Internet service provider pass through the plurality of modems (CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 for the inherent analog subscriber terminal not shown in the Figure 1 and inserts the calls into inherent timeslots in the 1AESS which travel through to the MODEM POOL (plurality of modems) to either ISP1 or ISP2 per col. 2 lines 43 to col. 4 line 6)

In addition Dunn teaches:

Regarding claim 13, the switching center further comprising an Internet router coupled to the plurality of modems through the switch matrix (The inherent Router connected to the LAN is coupled through the MODEM POOL (plurality of modems) through the 1AESS (switch matrix) per Fig 1)

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Referring to claim 14, Dunn teaches: a switching center connected to a data transmission network the switching center (Fig 1) comprising:

Call processor means (CONTROLLER per Fig 1)

A switch matrix having a synchronous time-division multiplex link (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix and 1AESS has an inherent synchronous time-division multiplex link per col. 2 line 51)

A plurality of modems connected to the switch matrix via the multiplex link(The Modem Pool (23 per Fig 1) or plurality of modems are connected to the NETWORK (7 per Fig 1) which is a 1AESS which has an inherent switch matrix and inherent switch multiplex link)

wherein the call processor means control the switch matrix by assigning analog subscriber terminals to time slots so that calls set up between the analog subscriber terminal and an Internet service provider pass through the plurality of modems via a virtual circuit corresponding to a the Internet service provider (CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 for the inherent analog subscriber terminal not shown in the Figure 1 and inserts the calls into inherent timeslots in the 1AESS which travel through to the MODEM POOL (plurality of modems) to either ISP1 or ISP2 via virtual circuit shown per Fig 1 and described per col. 2 lines 43 to col. 4 line 6)

### ***Claim Rejections - 35 USC § 103***

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu (U.S.

Patent No.: 5,991,292) in view of Roy (U.S. Patent No.: 6,049,531)

Referring to claim 15, Focsaneanu teaches: a switching center connected to a data transmission network the switching center (Fig 7) comprising:

Call processor means (Processor 246 per Fig 8 receives request for either POTs or Data as well as request for customer specific protocol conversion parameters)

A switch matrix (combination of 208, 200, and 214 per Fig 7 perform as a switch matrix)

A plurality of modems connected to the switch matrix (The Access node has a plurality of protocol programmable modems per Fig 8 which are connected to the combination of 208, 200, & 214 per Fig 7) each modem multiplexing a plurality of analog subscriber terminals t concentrate internet frame received over the analog subscriber lines (The Access module also have a MUX per Fig 8 which multiplex together the frames from each of the protocol programmable modems which have be sent via DATA terminal (analog subscriber terminals)

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wherein the call processor (Processor 246 per Fig 8) controls the switch matrix so that the calls set up between the analog subscriber and terminals and a Internet service provider is routed to the ATM data network transmission network via a virtual circuit corresponding to the Internet service provider (The Processor 246 per Fig 8 provides a signal to the combination of 208, 200, & 214 per Fig 7 which control whether the ATM data per col. 7 lines 7 to 27 are sent to the Data Network which is IP per col. 7 lines 25 to col. 8 line 4 or Internet Service Provider via a virtual circuit (connection data network per Fig 8)

Focsaneanu does not expressly call for: ATM ADSL modems

Roy teaches: ATM ADSL modem per col. 3 line 57 to col. 4 line 13

It would have been obvious to add the ATM ADSL modem of Roy in place of the modem of Focsaneanu because ATM ADSL modems can be integrated for use with POTs system thus not requiring a major costly upgrade to this system.

#### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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A handwritten signature in black ink, appearing to read "Robert W. Wilson". The signature is written in a cursive style with a large, stylized "W" and a long, sweeping underline.

Robert W Wilson

Examiner

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RWW

8/3/07